IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.18352 of 2007

Dated: September 10, 2007

Between:

Kesanapalli Chellayamma, W/o. of Ammiraju,
Hindu, aged 60 years, Housewife, Ramachandrapuram,
East Godavari District.

… Petitioner

And

The Assistant Divisional Engineer, Operation,
EPDCL (Eastern Power Distribution Co. Ltd.)
Ramachandrapuram, and others.

… Respondents

Order:

I have heard learned counsel for the petitioner and Mr. V. Ajay Kumar, learned Standing Counsel, appearing on behalf of the respondents.

2. Petitioner questions the notice dated 22-08-2007, issued by the first respondent, the Assistant Divisional Engineer, Operation, Ramachandrapuram, in Lr.No.ADE/O/RCP/F DOC/D.No.3085/07.

She is a consumer of electric power, vide service connection bearing No.26333/Cat-II, from the respondent-company. The service connection was inspected on 07-07-2007 at about 18.10 hours, by the Divisional Engineer/DPE-II/Rajahmundry. During inspection, it was found that meter seals were tampered and terminal covers of the meter were in burnt condition. On the aforesaid allegation and other allegations, a case of pilferage of energy was registered against the petitioner and pending determination of civil liability under Section 153(5) of the Electricity Act, 2003 ('the Act' for brevity) provisional assessment was made with regard of loss of energy at Rs.3,04,738/-. In the same notice, immediate demand of Rs.1,52,344/- plus Rs.50/- towards supervision charges, was made and supply was disconnected. Petitioner was instructed to deposit 50% of the assessed amount for restoration of supply pending finalization of proceedings.

3. This court, at the stage of admission, by order dated 28-08-2007, directed the respondents to restore power supply to the petitioner on her depositing Rs.1,00,000/-.

4. Learned counsel for the petitioner submits that pursuant to the aforesaid orders of this court, petitioner has deposited the said amount and power supply was restored.

5. The case of the petitioner is that allegations leveled against her are false and fabricated. However, the same is a matter, which has to be gone into by the competent authority as contemplated under Section 153 of the Act. If petitioner is of the view that she has not resorted to any pilferage of power, as alleged, it is for her to prove the same in the enquiry to be conducted by the competent authority. However, the same cannot be gone into by this court, at this stage.

Though half of the assessed amount is demanded in the impugned proceedings, however, taking into account the case put forth by the petitioner, I deem it appropriate to dispose of the writ petition directing the respondents to continue power supply to the petitioner, which was restored pursuant to the order of this court aforementioned, subject to final assessment proceedings under Section 153 of the Act. The amount of Rs.1,00,000/- deposited by the petitioner will be subject to the civil liability to be determined by the competent authority.

6. The writ petition is accordingly disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

September 10, 2007
MRR